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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,476	03/01/2004	Daniel John Glew	4504-1073	9024

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EXAMINER

LE, HUYEN D

ART UNIT PAPER NUMBER

3751

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/788,476

Applicant(s)

GLEW, DANIEL JOHN

Examiner

Huyen Le

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's election of species II, Figures 2 and 3 in the reply filed on 12/03/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Currently, claims 1-9, 12 and claims 20-23 are readable on species I.
3. Claims 10, 11, 13-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species II, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 12 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelva-Pasqual et al (4,785,482).

The Velva-Pasqual et al reference discloses an automatic toilet seat cleaning unit comprising a cabinet 14, an electric operating means 30 operatively connected to a toilet seat 22, and a cleaning means 66 for cleaning the toilet seat 22 when the seat is stowed by the electric operating means 30, wherein the cabinet 14 includes a door 18.

Regarding claim 2, the unit includes a control unit 78.

Regarding claim 3, the control unit would inherently be a PLC or PC board.

Regarding claims 4 and 5, the cleaning unit is capable of being rebated into a wall of a public toilet, wherein the public toilet as a service bay having the cabinet located therein.

Regarding claim 6, the cleaning means 66 comprises at least on spray means located inside the cabinet 14.

Regarding claim 7, the cleaning unit 66 includes a spraying nozzle 82 that can be located near the face of the toilet seat and a second spraying (another) nozzle 82 being located near the bottom face of the seat 22 (Fig. 2).

Regarding claim 8, the cleaning unit is a fluid.

Regarding claim 9, the electric operating means utilizes extra low voltage to operate.

Regarding claim 12, the unit comprises a carriage 54 connecting to the back of the toilet seat 22 to rails 40a, 40b connecting to the sides of the cabinet 14, the carriage 54 slidably connecting to the rails 40a,40b the electric operating means providing an electric output to a first motor 30, a first chain 34 connecting to the carriage and operable to move the seat up and down, a switch 65 to detect when the seat 22 is in an up position, the first motor providing an electric output to control the seat 22 from a down to an up position, and the motor 30 also providing a reverse polarity output to control the seat from an up to a down position, a solenoid valve to control water spray jets 82, the seat 22 is operatively connected to the carriage 54 which travels up the pair of rails 40a,40b allowing the seat 22 to be pulled backwards as well as upwards into its position inside the cabinet 14.

Regarding claim 20-23, the method of operating an automatic toilet seat cleaning unit would be inherently performed during the normal use of the Nelva-Pasqual et al device.


***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martinval teaches an automatic toilet seat cleaning unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Huyen Le  
Examiner  
Art Unit 3751

February 8, 2006